



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

LUIS PESTANA,

Defendant.
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No. 08 Cr. 581 (JFK)

ORDER

JOHN F. KEENAN, United States District Judge:

On July 17, 2009 Luis Pestana (the "Defendant") was sentenced principally to a term of imprisonment of 180 months following his plea of guilty to charges related to conspiracy to distribute cocaine. The Defendant's sentencing guidelines range was 168 to 210 months' imprisonment based on a total offense level of 33 and a criminal history category of III.

Effective November 1, 2014, the United States Sentencing Commission amended the United States Sentencing Guidelines Manual (the "Guidelines") to lower the guideline sentencing range for certain categories of offenses involving drugs. The Sentencing Commission also adopted an amendment to section 1B1.10 of the Guidelines authorizing, effective November 1, 2014, retroactive application of the amendment to the drug guidelines.

The Probation Department has generated a supplemental presentence report indicating that the Defendant may be eligible

for a reduction of his sentence under the revised guidelines. On October 30, 2014, the Court received a pro se motion from Defendant seeking a reduction of his sentence. On January 20, 2015, the Court appointed Jesse Siegel, Esq., to represent Defendant in connection with his motion. Accordingly, it is hereby

ORDERED that no later than June 27, 2016, the Government shall file a statement of its position on the modification of the Defendant's sentence to reflect the full effect of the revision of the offense level for drug offenses.

IT IS FURTHER ORDERED that Defendant's counsel shall file any statement in support of Defendant's motion no later than July 27, 2016.

IT IS FURTHER ORDERED that the Government's reply, if any, is due August 10, 2016.

IT IS FURTHER ORDERED that when filing their submissions, the parties shall provide the Court with one courtesy copy by delivering a copy of the submission to the Courthouse Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street, New York, New York.

Dated: New York, New York
April 25, 2016


John F. Keenan
United States District Judge